

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-3 are pending, each of which was allowed in the subject Quayle Action.

In the outstanding Quayle Action, the Information Disclosure Statement filed on 8/28/2003 was apparently not considered by the Examiner, for allegedly failing to comply with 37 C.F.R. § 1.98(a)(2), which requires portions of a publication which caused it to be listed; and the Abstract was objected to for having “more than 150 words”, and for being a repetition from Claim 1.

Applicants respectfully request reconsideration of these assertions.

With regard to the Information Disclosure Statement, it is respectfully submitted that the Information Disclosure Statement filed on 8/28/2003, does comply with 37 C.F.R. § 1.98(a)(2). This Information Disclosure Statement, as evidenced by the enclosed filing receipt, indicates that the ten cited references were in fact filed, along with a copy of the International Search Report. As indicated in M.P.E.P. §609A(3), the portion of the search report that identifies respective references as “X”, “Y”, or “A”, is sufficient to comply with the “concise explanation of relevance” which indicates the degree of relevance found by the foreign office. Accordingly, it is believed that the Information Disclosure Statement filed on 8/28/2003 does comply with 37 C.F.R. § 1.98(A)(2), and thus Applicants respectfully request that the references in the Information Disclosure Statement be considered, as required by M.P.E.P. § 609.

The undersigned respectfully traverses the assertion that the Abstract has more than 150 words. According to the undersigned’s counting, the Abstract contains 146 words. Furthermore, the Abstract is not a repetition of Claim 1. Claim 1 includes specific claim language such as “comprising”, and “characterized in that”, but the Abstract does not.

Accordingly, it is believed that the Abstract does comply with U.S. patent practice.

However, if the Examiner continues to disagree, the Examiner is invited to telephone the undersigned so that mutually agreeable language for the Abstract may be identified.

As the IDS and Abstract issues are believed to be the only two issues remaining in the present application, and based on the comments above, it is respectfully submitted that the application is condition for formal allowance. A Notice of Allowability is respectfully requested at the earliest possible convenience.

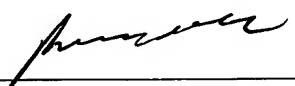
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
BDL:smi



Bradley D. Lytle
Attorney of Record
Registration No. 40,073